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**Memorandum Endorsement**


*Dynamic Systems, Inc. v. Skanska USA Building, Inc.*  
7:19-cv-10237 (NSR) (AEK)

The Court has reviewed Defendant Skanska USA Building, Inc.'s ("Defendant" or "Skanska") attached letter notifying the Court that Skanska, Plaintiff Dynamic System Inc. ("Plaintiff" or "Dynamic"), Westchester County Health Care Corporation ("Westchester"), and West-Fair Electric Contractors, Inc. ("West-Fair") have entered into a liquidating agreement (the "Agreement"), whereby Skanska, Dynamic, Westchester and West-Fair have settled all of the claims that they have asserted against each other in this matter (ECF No. 225).

In light of the foregoing, Skanska's motion to dismiss as against Dynamic is DENIED as moot, and the Clerk of the Court is kindly directed to terminate the motion at ECF No. 148.

Dated: February 27, 2023  
White Plains, NY

SO ORDERED:

  
HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED



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Gerard J. Onorata  
*Partner*

## ***By Electronic Filing***

February 27, 2023

Honorable Nelson S. Roman  
United States District Judge  
Southern District of New York  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

**RE: Dynamic Systems, Inc. v. Skanska USA Building Inc.**  
**Civil Action No. 7:19-cv-10237**  
**Our File No.: 414710**

Dear Judge Roman:

I am writing to clarify the letter that I submitted to the Court dated February 24, 2023, concerning the withdrawal of Defendant, Skanska USA Building Inc.'s ("Skanska") Motion to Dismiss the Lien Claim Foreclosure Action filed by the Plaintiff, Dynamic Systems, Inc. ("Dynamic").

The motion that was previously filed by Skanska is moot because Skanska and Dynamic entered into a Liquidating Agreement. Westchester County Health Care Corporation ("Westchester"), and West-Fair Electric Contractors, Inc. ("West-Fair") are also signatories to the Liquidating Agreement. Skanska, Dynamic, Westchester and West-Fair (the "Settling Defendants") have settled all of the claims that they have asserted against each other in this matter. All of the other claims that have been asserted by the other parties to this action, i.e., Perkins Eastman Architects, D.P.C.; John Smolen & Associates LLC; John Smolen; Bard, Rao & Athanas Consulting Engineers, P.C. a/k/a BR+A Engineers; and Mazzetti, Inc. a/k/a Mazzetti+GBA, have not been settled and are still being litigated against the Settling Defendants and each other.

Thank you.

Respectfully,

GERARD J. ONORATA

GJO/gp

cc: All Counsel (by electronic mail)

## **International Alliances**

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Canada  
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Costa Rica  
El Salvador  
England  
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